

SENATE JOINT RESOLUTION 477  
By Person

A RESOLUTION to create a special joint committee to study issues relative to special and pro tempore judges.

WHEREAS, Tennessee Code Annotated, Section 16-15-209, provides two (2) methods for the selection of a special judge, if the presiding judge of a general sessions court cannot for any reason attend or preside; and

WHEREAS, Tennessee Code Annotated, Section 17-2-118, provides for the selection of a special judge or judge pro tempore, if the presiding judge of any court of record is unable to attend or preside; and

WHEREAS, recent abuses of these statutory provisions have caused some in the judicial and legal communities to question the probity of permitting the use of special judges in general sessions courts and all courts of record; and

WHEREAS, legislation has been introduced before this General Assembly to delete the statutory authority for the selection of special and pro tempore judges; and

WHEREAS, as of yet, no consensus has been reached on this timely and important issue; and

WHEREAS, the selection and use of special and pro tempore judges directly affects the efficacy and the integrity of Tennessee's entire judicial system, and this issue should be carefully studied and examined by this General Assembly; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING,

That there is hereby created a special joint committee to study issues relative to the selection and use of special and pro tempore judges.

BE IT FURTHER RESOLVED, That the special joint committee shall be constituted as follows:

four (4) members of the Senate Judiciary Committee, to be appointed by the Speaker of the Senate;

four (4) members of the House Judiciary Committee, to be appointed by the Speaker of the House;

one (1) representative of the Tennessee Bar Association, to be appointed by the executive director of such association;

one (1) representative of the Tennessee Trial Lawyers Association, to be appointed by the executive director of such association; and

one (1) juvenile judge, to be appointed by the Tennessee Council for Juvenile and Family Court Judges;

one (1) general sessions judge, to be appointed by the Tennessee General Sessions Judges Conference;

one (1) state trial judge, to be appointed by the Tennessee Trial Judges Association;

one (1) state appellate judge, to be appointed by the Chief Justice of the Tennessee Supreme Court; and

the Administrative Director of the Courts, who shall serve as an ex-officio, non-voting member of the committee.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of

such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and any other officers the committee deems necessary from among the legislative members.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundredth General Assembly no later than February 1, 1997, at which time the committee shall cease to exist.

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